

2326  
U.S.P.T.O.22856 U.S.P.T.O.  
10/809874

## REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER		ART UNIT
	CLASS	SUBCLASS			
741440-58					

## Address to:

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b) of pending prior international application Number PCT/JP02/10103, filed on September 27, 2002, entitled 4-OXOQUINOLIZINE ANTIBACTERIAL AGENT HAVING 2-PYRIDONE SKELETON AS PARTIAL STRUCTURE, which designated the United States.

Note: 37 CFR 1.53(d) cannot be used to file a continuation or divisional application of an international application which has not entered the national stage.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	2 - 20 =	0	x \$ ____ =	\$
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3 =	0	x \$ ____ =	\$
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ ____ =	\$
				BASIC FEE (37 CFR 1.16(a))	\$770.00
				Total of above Calculations =	\$770.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
				Assignment Recordation Fee	\$40.00
				Petition Fee	\$130.00
				Total =	\$940.00

1. Enclosed are the specification, claims and drawing(s).
2.  Applicant claims small entity status. See 37 CFR 1.27.
3.  The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 19-2380. A duplicate copy of this sheet is enclosed.
4.  A check in the amount of \$ \_\_\_\_\_ is enclosed.
5.  Payment by credit card. Form PTO-2038 is attached.
6.  Application Data Sheet is enclosed. See 37 CFR 1.76.
7.  Amend the specification by inserting before the first line the sentence: "This application is a  continuation  division of international application number PCT/JP02/10103, filed September 27, 2002. (status, abandoned, pending, etc.)"
8.  A declaration under 37 CFR 1.63 is enclosed.
9.  Priority of foreign application numbers 2001-299088 filed September 28, 2001 and 2001-326133 filed October 24, 2001 in Japan is claimed under 35 U.S.C. 119(a)-(d).

The certified copies are enclosed.

[Page 1 of 2]

**REQUEST FOR FILING A CONTINUATION OR DIVISION OF AN INTERNATIONAL APPLICATION**

10.  A preliminary amendment is enclosed.

11.  Also enclosed:  
Assignment Document  
Request For Retaining Application Under 37 C.F.R. §1.21(l)

Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record).

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, D.C. 20004-2128

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

March 25, 2004  
Date

  
Signature

Donald R. Studebaker  
Typed or printed name

- Inventor(s)/Applicant(s)
- Assignee of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record
- Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a).\_\_\_\_\_.

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of \_\_\_\_\_ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re New Continuation of PCT of )  
Ryoichi FUKUMOTO et al. )  
International Application No. PCT/JP02/10103 ) Attn: Applications  
International Filing Date: September 27, 2002 ) Branch  
For: 4-OXOQUINOLIZINE ANTIBACTERIAL )  
AGENT HAVING 2-PYRIDONE SKELETON )  
AS PARTIAL STRUCTURE ) Date: March 26, 2004

REQUEST FOR RETAINING APPLICATION  
UNDER 37 C.F.R. §1.21(l)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

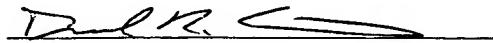
Sir:

It is requested that the parent application, International Application No. PCT/JP02/10103 which was filed September 27, 2002, be retained under 37 C.F.R. §1.21(l). We enclose our fee of \$130.00 for this request.

The Commissioner is hereby authorized to charge fees under 37 CFR 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c) and 1.20 (d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 19-2380. A duplicate copy of this sheet is attached.

03/30/2004 MBELETE1 00000066 192380 10809874  
01 FC:8025 130.00 DA

Respectfully submitted,

  
Donald R. Studebaker  
Registration No. 32,815

NIXON PEABODY LLP  
401 9<sup>th</sup> Street, N.W.  
Suite 900  
Washington, D.C. 20004-2128  
(202) 585-8000